

2013/06
Filed on
by Shri
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23/5/06
Advocate
R. to D.R. (J)

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Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

CRIMINAL REVISION No. 281 Of 2006

APPLICANT

[IN JAIL]

: - Jitendra Painkara, aged about 22 years,
son of Chhabilal Painkara, Occupation -
Student, Resident of village Karwarjor,
Tahsil and Thana- Lailunga, District
Raigarh (C.G.)

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VERSUS

NON-APPLICANT

: - The State of Chhattisgarh, Through
District Magistrate, Raigarh (C.G.).

**CRIMINAL REVISION UNDER SECTION 397/401 OF THE CRIMINAL
PROCEDURE CODE**

आदेश पत्रक

(r Rev. 281/2006

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	11.05.2006 Shri S.K. Tiwari, learned counsel for the applicant. Shri Sumesh Bajaj, G.A. for State. Learned counsel for the applicant submits that he does not press M.Cr.P. No. 964/2006 for suspension of sentence and grant of bail and prays that this revision be heard finally today, at the stage of admission. Prayer is not opposed. As prayed, M.Cr.P. No. 964/2006 is dismissed as withdrawn. This revision is heard finally today at the stage of admission. The applicant was convicted under Section 354 IPC by the trial Judge and was sentenced to undergo R.I. for 6 months. The Appellate Court affirmed the conviction of the appellant but reduced the sentence of R.I. of 6 months to S.I for 3 months. Learned counsel for the applicant submits that he would press this appeal only on the question of sentence. In view of the aforesaid submission, the only point for consideration is whether the sentence awarded by the Appellate Court calls for any interference. Learned counsel for the applicant has argued that the applicant was aged 22 years on the date of occurrence and is a first offender. It was also contended that the applicant is a student and imposition of jail sentence is likely to destroy his career. On the other hand, Shri Sumesh Bajaj, learned counsel appearing for State has opposed the prayer contending that in view of the conduct of the applicant in outraging the modesty of the prosecutrix, no further leniency needs to be shown in the sentence already reduced by the Appellate Court. Having considered the rival submissions, I have perused the record. It appears that the applicant had caught hold of the hands of the prosecutrix and	

आदेश पत्रक

मामला क्रमांक

CR.P.V. 281/2006
सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश - 2 -
	removed her 'Chunni' stating that he would outrage her modesty as a result of which the clothes of the prosecutrix were torn. The testimony of the prosecutrix is fully corroborated by Ku. Lakhmani P.W. 2 and Ku. Sushila P.W. 3 and by a prompt written F.I.R. lodged on 28.5.2004 at P.S. Lailunga vide Ex.p-8. Considering the nature of offence and the manner in which the applicant had outraged the modesty of the prosecutrix and the fact that the Appellate Court has already reduced the sentence of R.I. for 6 months to S.I for 3 months, no further leniency is called for, in the sentence awarded by the Appellate Court. No manifest error of law or illegality is seen in the impugned judgment dated 9.3.2006. This revision is dismissed at the stage of admission.	Sd/- Dilip Raosaheb Deshmukh Judge

Priya

[पीछे देखिये]

19/4/06
24.6.06